

UNITED STATES DISTRICT COURT

for the
District of NebraskaUnited States of America
v.
Carlos Humberto Barrios Perez

Case No. 8:25MJ363

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 9, 2025 in the county of Douglas in the
 District of Nebraska, the defendant(s) violated:*Code Section**Offense Description*

8:1326(a)

Defendant, an alien, who previously had been excluded, deported, and removed from the United States to Guatemala, was found in the United States, without the Attorney General of the United States or her designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 203(3) & (4) and Section 557), having expressly consented to defendant's reapplication for admission into the United States.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet. #8389 D.O.*Complainant's signature*

Anthony P Gayden, ICE Deportation Officer

Printed name and title☐ Sworn to before me and signed in my presence.☒ Sworn to before me by telephone or other reliable electronic means.Date: 6/11/2025City and state: Omaha, Nebraska*Judge's signature*

Ryan C. Carson

Printed name and title

STATE OF NEBRASKA)
) AFFIDAVIT OF Anthony P. Gayden
COUNTY OF DOUGLAS)

Anthony P Gayden, being first duly sworn, hereby states that:

1. Your affiant is a Deportation Officer for the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), with over fifteen (15) years of federal law enforcement experience, duly appointed according to law and at the time of the events herein was acting in his official capacity.
2. Your affiant was previously an Immigration Enforcement Agent within ICE that was promoted to a Deportation Officer in 2016. In that capacity your affiant has had occasion to conduct numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act (INA).
3. Deportation Officers are empowered to interrogate and arrest with or without warrant, any person believed to be an alien in the United States in violation of law, pursuant to Section 287 of the Immigration and Nationality Act (INA) (8 U.S.C. 1357). This Affidavit is based upon your affiant's personal knowledge and information provided to him by other law enforcement officers involved in this investigation.
4. Barrios-Perez, Carlos Humberto, A096 351 379 (hereinafter "defendant") came to the attention of Omaha ICE ERO following his arrest for DUI in Sarpy County, NE on 12/01/2024. Defendant was released from jail custody prior to ICE screening and failed to appear for his court hearing on 01/17/2025. A bench warrant was issued in the case. ICE officers came across the bench warrant while searching the Nebraska warrant system.

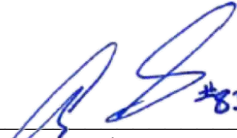
On 06/09/2025, DO Gayden as well as HSI Special Agent Laura McCord observed an individual matching the description of defendant enter the vehicle in which defendant received his most recent DUI. The vehicle was parked in front of a home at 3625 V Street in Omaha, NE. The vehicle departed the residence and Officers followed defendant and performed a vehicle stop near 186th and Center Rd in Omaha.

During the vehicle stop, all officers identified themselves and the defendant stated to officers that his name is Carlos Barrios Perez. Officers placed defendant under arrest and transported him to the Omaha ICE ERO office for processing. At the office, biometric checks of his fingerprints confirmed his identity.

5. Defendant's fingerprints were scanned and submitted into the FBI's Integrated Automated Fingerprint Identification System (IAFIS). The IAFIS system compared defendant's current fingerprint impressions to fingerprint impressions maintained in the data base relating to persons who previously had been arrested by DHS or other law enforcement agencies. This comparison revealed defendant had been arrested by DHS previously.

6. As a result of the positive match of fingerprints, your affiant was able to locate a unique alien registration file (A 096 351 379) relating to this defendant.
7. The defendant's alien registration file contains photographs, fingerprints and immigration documents identifying defendant as a citizen and national of Guatemala who was removed from the United States to Guatemala, on 05/20/2015, pursuant to a final removal order on 12/18/2003 in Dallas, TX.
8. A search of DHS indices failed to produce any current record of an application for lawful entry or lawful admission into the United States.
9. Affiant believes there is probable cause that defendant is in violation of 8 United States Code, Section 1326(a), an alien who is found in the United States after having been removed and who had departed while an order of removal was outstanding and unlawfully re-entered without having obtained the consent of the Secretary of Homeland Security to reapply for admission to the United States.

Affiant states that all statements contained in this affidavit are true and correct to the best of his knowledge.


#8389 D.O.

Anthony P. Gayden, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me by telephone or other reliable electronic means:

Date: June 11, 2025

City and State: Omaha, Nebraska



Ryan C. Carson, U.S. Magistrate Judge